

## **REMARKS**

Claims 1, 6, 7 and 28-30 remain pending in the present application. Claims 1 and 28-30 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

## **DRAWINGS**

The drawings are objected to under 37 CFR 1.83(a). The drawings have been amended to overcome the objections. As detailed below, Applicants believe no new matter has been added.

Figure 2 has been amended to number the port as reference numeral 160 and to illustrate a plug 162 closing port 160. As known well in the art, gas-filled shock absorbers contain a pressurized gas and thus must inherently be sealed from the outside atmosphere. As described in the specification at the bottom of page 9 and continuing onto page 10, the height of the curve can also be tuned by changing the initial gas pressure within working chamber 42. Thus, it is clear that working chamber 42 must be at a specified gas pressure and the only way this pressure can be achieved is by sealing the charging port shown in Figure 2 as is well known in the art. The specification has been amended to define this initial charging of the gas filled shock absorber. Because this initial charging is well known in the art and is inherent in the field of gas filled shock absorber, Applicants believe that no new matter has been added.

### **CLAIM OBJECTIONS**

Claims 28-30 are objected to because of informalities. Claims 28-30 have been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 28-30 rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection. The specification, on page 9, lines 5-7, states "A tunable restriction 154 extends through valve body 150 to provide communication between lower working chamber 46 and gas chamber 152." The second flow path defined in Claim 1 extends through valve body 150 and thus the second flow path is the tunable restriction. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 28-30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scotto (U.S. Pat. No. 4,815,716). Claim 1 has been amended to define a solid piston rod having a first end extending through the rod guide assembly and a second end attached to the piston. In addition, Claim 1 has been amended to define the valve body as being independent from the piston rod.

Scotto (U.S. Pat. No. 4,815,716) discloses a hollow or tubular piston rod 26 which has a first end extending through the rod guide assembly 31 but the piston 28 is not attached to the second end of the piston rod, it is attached at a position spaced from

the second end so that piston rod 26 can extend through valve body 43. Thus, valve body 43 is not independent from piston rod 26.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 28-30, which depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scotto (U.S. Pat. No. 4,815,716) in view of Postema, et al. (U.S. Pat. No. 4,139,186). Claims 6 and 7 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 6 and 7 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

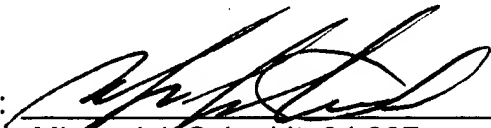
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg